REMARKS

This is a full and timely response to the Office Action mailed March 26, 2008, submitted concurrently with a one-month extension of time to extend the due date for response to July 28, 2008.

No claims have been amended in this response. Thus, claims 1, 2, 5 and 8-12 remain currently pending in this application.

In view of this response, Applicant believes that all pending claims are in condition for allowance. Reexamination and reconsideration in light of the above amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §102 and §103

Claims 1, 2, 5, 8, and 9 are rejected under 35 U.S.C. §102(a) and (e) as allegedly being anticipated by Kikumoto et al. (U.S. Patent Publication No. 2002/0068887). Further, claims 10-12 are rejected under 35 U.S.C. §102(a/e) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as allegedly being obvious over Kikumoto et al. (U.S. Patent Publication No. 2002/0068887) in view of Cutler et al. (U.S. Patent No. 6,375,630). Applicant respectfully traverses these rejections.

To constitute anticipation of the claimed invention under U.S. practice, the prior art reference must literally or inherently teach each and every limitation of the claims. Further, to establish a *prima facie* case of obviousness, the cited reference(s) must teach or suggest the invention as a whole, including all the limitations of the claims. Here, in this case, none of the cited references, either alone or in combination, teach or suggest all of the limitations of the claims with particular emphasis on the limitations "*storing a change in massage parameter performed in a desired massage stage during an execution of said massage program in a memory, and modifying the desired massage stage according to the change in massage parameter stored in said memory at the next execution of said massage program*" (claim 1), "*wherein when a change in total time required for said massage program occurs due to the change in massage parameter in the desired massage stage, the massage parameter of another massage stage corresponding to the massage parameter changed in the desired massage parameter is changed such that said massage program*

is completed within a predetermined time period" (claim 1), "*wherein said memory comprises a memory table for storing a required number of massage stages having a same massage parameter, and when the desired massage stage is stored in said memory table as a result of the change in massage parameter, another massage stage stored at a predetermined position in said memory table is deleted from said memory table, and the massage parameter of said another massage stage deleted from said memory table is changed such that said massage program is completed within a predetermined time period*" (claim 1), "*when a change in massage parameter performed in one of the massage stages having the same range of massage action is stored in said memory, the massage stages having the same range of massage action are modified in one lump according to the change in massage parameter stored in said memory at the next execution of said massage program*" (claim 8), "*wherein an optimum block is determined from said blocks by comparing a previously prepared correlation between the range of massage action and body information including body weight and body height, with the body information of a user to be massaged*" (claim 9) and "*one of the plural combinations of the range of massage action in the width direction and the range of massage action in the height direction is determined in said optimum block to meet the user's preference*" (claim 9).

Applicant submits that independent claim 1 is not anticipated by Kikumoto et al. Kikumoto et al. discloses (1) "*time (duration) and frequency of each massage movement as a variable portion are adjusted according to the selected mode (relaxation mode or refreshment mode)*" (see paragraph [0067] of Kikumoto et al.), (2) "*FIGS. 10(a) and 10(b) show rules for adjusting the massage time and the massage speed in accordance with the psychological state in the relaxation mode and the refresh mode, respectively*" (see paragraph [0068] of Kikumoto et al.), and (3) "*a preliminary massage operation is performed first to estimate the psychological state of the person to be massaged, and a full massage operation is thereafter performed*" (see paragraph [0012] of Kikumoto et al.).

In contrast, the present invention of claim 1 is configured such that the user can fully adjust or modify the individual massage parameter of the massage program stored in the memory, wherein the user adjustment or modification automatically results in the customized adjustment of time of other massage parameters of the massage program. Such claimed features are clearly distinguished from the rule-based system shown in FIGS. 10(a) and 10(b) of Kikumoto et al. In

other words, the adjustment of time defined in the claimed invention is accomplished in such a manner that another massage stage stored at a predetermined position in said memory table is deleted from said memory table, and the massage parameter of said another massage stage deleted from said memory table is changed such that said massage program is completed within a predetermined time period.

In further support of the above differences, Kikumoto et al. teaches in paragraph [0067] that "*[E]ach massage movement is classified as a core portion of fixed duration or a variable portion with variable duration and frequency. The time (duration) and frequency of each massage movement as a variable portion are adjusted according to the selected mode (relaxation mode or refreshment mode)*".

In contrast, the time adjustment according to the claimed invention does not require the classification of the fixed duration and the variable duration. In other words, the time adjustment in the present invention is not dependent on a "mode" selected by the user but rather the change to the individual massage parameters of the massage program. Thus, the time adjustment of the present invention clearly differs from that which is disclosed in Kikumoto et al. since it is not adjusted based on a rule of the mode selected by the user (see paragraphs [0068] and [0069]of Kikumoto et al.). Instead, the time adjustment of the present invention is uniquely adjusted via a user adjustment or modification to a specific message parameter.

Further, Applicant also believes that independent claim 8 is neither anticipated nor obvious based on the teachings of Kikumoto et al. Claim 8 requires that "*the massage stages having at least one of the same range of massage action in the width direction and the same range of massage action in the height direction are modified in one lump according to the change in massage parameter stored in said memory at the next execution of said massage program*". Applicant believes that Kikumoto et al. fails to teach or suggest the above noted limitation of making an overall modification at the next execution of the massage program with regard to the massage stages previously designated by the user.

Still further, Applicant also believes that independent claim 9 is neither anticipated nor obvious from the teachings of Kikumoto et al. Claim 9 discloses that "*an optimum block is determined from said blocks by comparing a previously prepared correlation between the range of*

massage action and body information including body weight and body height, with the body information of a user to be massaged" and "*one of the plural combinations of the range of massage action in the width direction and the range of massage action in the height direction is determined in said optimum block to meet the user's preference*" (see FIG. 9 of the present drawings). This feature of claim 9 provides a specific and advantageous effect of preventing the user from selecting an undesired massage action.

In contrast, Kikumoto et al. fails to teach or suggest the above-noted limitations of providing an optimum block in consideration of the user's physical information, enabling the user to select one preferred massage range from within the optimum block.

Thus, for these reasons, independent claims 1, 8 and 9 are allowable over the teachings and suggestions of the cited references.

Claims 2, 5 and 10-12, depend directly or indirectly from claim 1 and include all of the features of claim 1. Thus, Applicant submits that the dependent claims are allowable at least for the reasons claim 1 is allowable as well as for the features they recite.

Further, Applicant asserts that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

CONCLUSION

For the foregoing reasons, all the claims now pending in the present application are believed to be clearly patentable over the outstanding rejections. Accordingly, favorable reconsideration of the claims in light of the above remarks is courteously solicited. If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

Dated: July 28, 2008

Respectfully submitted,

By:_____

Lee Cheng
Registration No.: 40,949
CHENG LAW GROUP PLLC
1100 17th Street, N.W.
Suite 503
Washington, DC 20036
(202) 530-1280
Attorneys for Applicant

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